

U.S. Patent Appln. No. 10/660,067  
Amendment  
Response to Office Action of Sept. 29, 2005

Docket No. 7001-72

### **REMARKS**

The foregoing amendments and these remarks are in response to the Final Office Action dated September 29, 2005. This amendment is filed with a Request for Continued Examination, and request for extension of time of two months, and the appropriate fees therefor.

At the time of the Office Action, claims 1-63 were pending in the application. In the Office Action, claim 76 was rejected under 35 U.S.C. §112. Claims 64-78 were rejected under 35 U.S.C. §103(a).

#### **I. Rejections under 35 U.S.C. §112**

Claim 76 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for the reasons listed in the Office Action. In particular, the Examiner asserted that it was unclear how an oval block could be described as a hexagon, diamond or kite shape. Applicant explained in the response to the previous Office Action the reasoning for the use of "oval", and believes that it appropriately covers all the listed shapes. Nevertheless, Applicant has introduced the list of shapes from claim 76 into claim 64. Withdrawal of the rejection is thus respectfully requested.

#### **III. Rejections on Art**

Claims 64 and 68-77 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,191,843 to Ausavich et al. (hereafter "Ausavich"). Claims 65-67 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ausavich in view of British Patent No. 832,844 to Holzwerke Zapfendorf (hereafter "Holzwerke"). Claim 78 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ausavich in view of U.S. Patent No. 5,351,628 to Beezer et al. (hereafter "Beezer").

Claim 64 has been amended herein to recite that the support blocks are solid, such that nails may be driven directly into the composite material. This removes the need to provide openings to

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receive bolts or other fastening means, ensuring that the support blocks are easy and inexpensive to produce, and can be easily and inexpensively fixed in place using nails, while still providing the advantages of using generally oval support blocks.

As discussed in the response to the previous Office Action, the teaching of the present application is in contrast to the cited prior art references. Notably, the composite support blocks of the cited prior art references all require that hollow portions are provided to receive bolts and other fastening means. In particular, Ausavich uses wood only as a filler, thus employing a high concentration of the thermoplastic polyolefin and also requires that "substantially hollow cylindrical segments" are included, such as the central vertical bore 6 provided for receiving a bolt. Holzwerke states on page 2, lines 89-95 "[o]wing to the high mechanical resistance of the wood press composition the latter can be worked only with difficulty with the normal wood-working tools. Therefore it is advisable to provide recesses, necessary for the securing means, from the very beginning." Holzwerke uses a high concentration of wood shavings, ranging from 75% to 95%, but these shavings are of a relatively large size, with thicknesses ranging from 1 to 5cm. The resin and the shavings together form an extremely hard composite. Beezer teaches the use of a generally hollow molded support block.

The Examiner contends that it would have been an obvious design consideration to modify the support blocks of Ausavich by using different materials, different combinations of materials, etc. However, Ausavich clearly teaches the provision of a hollow bore 6 for receiving the bolt. Similarly, Holzwerke teaches the use of recesses for receiving the securing means. Likewise, Beezer also teaches the use of a generally hollow molded support block. Therefore, merely modifying the different materials and combinations of materials of the support blocks at Ausavich would not have caused a person of ordinary skill in the art to arrive at the pallet recited in present claim 64, because they would have understood that an opening to receive the fastening structure was necessary. To the contrary, the modification in materials discovered by the present inventors allows for the use of a solid composite support block that is directly nailable, which is not taught or suggested by any of the prior art references, either singly or in combination.

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For the foregoing reasons, claim 64 is believed to be in condition for allowance. The dependent claims are also believed allowable, because of their dependence upon an allowable base claim, and because of the further features recited.

#### IV. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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